

REMARKS/ARGUMENTS

In the Office Action mailed September 1, 2005, claims 7-10, 13-16 and 21-23 were rejected. Claims 7-10, 13-16 and 21-32 remain pending in the application.

Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references. In view of the following remarks, reconsideration and withdrawal of the outstanding rejections are respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 7-10, 13-16 and 21-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Application Publication No. US 2004/0074208 to Olson et al. (hereinafter referred to as "Olson"). Applicant respectfully traverses these rejections. In light of the following remarks, Applicant respectfully submits that these claims are allowable.

The Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. *MPEP* §2142. To establish a prima facie case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, to modify the references or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art must teach all the claim limitations. *MPEP* §2142.

With respect to claims 7-10, Olson does not teach or suggest a combination recited by Applicant's claims. For example, Applicant's independent claim 7 and its dependent claim 8 recite a "vacuum insulated panel, comprising: a first core having ... a first core indentation

provided on at least one side ... and a first film envelope enclosing the first core and having a first film perimeter including a first film indentation region corresponding to the first core indentation, wherein the first core indentation is configured to provide a partial periphery of a combined passageway extending through the panel in combination with at least one non-attached second core providing an additional segment of the periphery.”

Similarly, Applicant’s independent claim 9 and its dependent claim 10 recite “first supporting means having ... a first supporting indentation provided on at least one side...; first means for enclosing the first supporting means [and] having a first enclosing perimeter including a first enclosing indentation region corresponding to the first supporting indentation; and first means for sealing the first enclosing means around the first supporting means, wherein the first supporting indentation is configured to provide a partial periphery of a combined passageway extending through the panel in combination with at least one non-attached second supporting means providing an additional segment of the periphery.”

Olson discloses a vacuum insulation panel that is provided with a substantially centrally located hole. (*See* Olson, para. 40.) Olson suggests that the position of the hole could vary (*see id.*), but does not suggest an indentation region on the perimeter of the panel. Thus, for example, the receptacle of Olson is formed with an opening that is smaller than the opening in the core material. (*See* Olson, para. 41). This description would not apply to an indentation region on the perimeter of the panel. Similarly, Olson discloses a circumferential flange that is formed internally of the core opening. (*See id.*) Once again, this description would not apply to an indentation region on the perimeter of the panel. A hole in the panel is not the same as an indentation region on the perimeter of the panel.

The Office Action points out that Olson suggests varying the shape of the core. (*See, e.g.,* Olson para. 28.) However, Olson refers only to the overall shape of the panel, for example, rectangular (*see* Olson, para. 28), oval or triangular (*Id.* at para. 33), board or brick-shaped (*Id.* at para. 37), or elliptical (*Id.* at para. 40). Nowhere does Olson suggest that the localized shape of the panel perimeter be varied to form only part of an opening.

Thus, Olson fails to disclose a film envelope or enclosing means having an indentation region on its perimeter that corresponds to an indentation on at least one side of a single enclosed core. Olson further fails to disclose a film envelope having an indentation region corresponding to only part of the periphery of a passageway. In addition, Olson fails to disclose a core that is configured to form a passageway in combination with a non-attached core.

Applicant's claimed invention has the advantage that a vacuum insulation panel can be assembled, for example, around a fixture that does not permit that installation of a panel disclosed in Olson. For example, a panel in accordance with Applicant's claims can be placed adjacent an existing pipe or conduit extending from the interior of a refrigerator through a refrigerator wall to the exterior of the refrigerator, and further extending into or through a building wall, such that a panel disclosed in Olson cannot be placed over or around the pipe or conduit. Multiple panels in accordance with Applicant's claims can thus be assembled "in-place" around an existing pipe or conduit that does not permit installation of a panel disclosed in Olson.

Thus, Olson does not teach or suggest every aspect of Applicant's independent claim 7 and its dependent claim 8, or independent claim 9 and its dependent claim 10, because Olson does not include each and every element, as set forth in Applicant's claims. Accordingly, at least

for these reasons, Applicant respectfully requests that the rejections under Section 103 as being unpatentable over Olson be removed with respect to claims 7-10.

With respect to claims 13-16, Olson does not teach or suggest a combination recited by Applicant's claims. For example, Applicant's independent claim 13 and its dependent claim 14 recite "a first core having ... a first core beveled corner; and a first film envelope enclosing the first core and having a first film perimeter with a first film beveled region corresponding to the first core beveled corner, wherein the first core beveled corner is configured to provide a partial periphery of a combined passageway extending through the panel in combination with at least one non-attached second core providing an additional segment of the periphery."

Similarly, Applicant's independent claim 15 and its dependent claim 16 recite "first supporting means having ... a first supporting beveled corner; and first means for enclosing the first supporting means [and] having a first enclosing perimeter including a first enclosing beveled region corresponding to the first supporting beveled corner, wherein the first supporting beveled corner is configured to provide a partial periphery of a combined passageway extending through the panel in combination with at least one second supporting means providing an additional segment of the periphery."

Further to the above discussion, Olson does not suggest a beveled area on the perimeter of the panel. Nowhere does Olson suggest that the localized shape of the panel perimeter be varied to form a beveled corner. Olson further fails to disclose a film envelope or enclosing means having a beveled region on its perimeter that corresponds to a beveled corner of a single enclosed core. Likewise, Olson fails to disclose a film envelope having a beveled region

corresponding to only part of the periphery of a passageway. In addition, Olson fails to disclose a core that is configured to form a passageway in combination with a non-attached core.

Once again, Applicant's claimed invention has the advantage that a vacuum insulation panel can be assembled, for example, around a fixture that does not permit the installation of a panel disclosed in Olson. Thus, Olson does not teach or suggest every aspect of Applicant's independent claim 13 and its dependent claim 14, or independent claim 15 and its dependent claim 16, because Olson does not include each and every element, as set forth in Applicant's claims. Accordingly, at least for these reasons, Applicant respectfully requests that the rejections under Section 103 as being unpatentable over Olson be removed with respect to claims 13-16.

With respect to claims 21-23, Applicant's claims 21-23 depend from independent claim 7, which is believed to be patentable over Olson at least for the reasons described above, and thus is believed to be in condition for allowance. Therefore, claims 21-23 are patentable over Olson for at least the same reasons that independent claim 7 is patentable over Olson.

With respect to claims 24-32, Applicant's claims 24 and 25 depend from independent claim 7; claim 26 depend from independent claim 9; claims 27 and 28 depend from independent claim 13; and claims 29 and 30 depend from independent claim 15. As explained above, claims 7, 9, 13 and 15 ; are believed to be patentable over Olson at least for the reasons described above, and thus are believed to be in condition for allowance. Therefore, claims 24-25, 26, 27-28 and 29-30 are patentable over Olson for at least the same reasons that independent claims 7, 9, 13 and 15, respectively, are patentable over Olson.

Moreover, Applicant's dependent claim 24 and its dependent claim 25 recite, "a second core having ... a second core indentation provided on at least one side ... and a second film

envelope enclosing the second core and having a second film perimeter including a second film indentation region corresponding to the second core indentation, wherein the first core indentation and the second core indentation are configured to provide a periphery of a single combined passageway extending through the panel when the first core is aligned adjacent the second core.”

Similarly, Applicant’s dependent claim 26 recites, “second supporting means having ... a second supporting indentation provided on at least one side; second means for enclosing the second supporting means ... including a second enclosing indentation region corresponding to the second supporting indentation; and second means for sealing..., wherein the first supporting indentation and the second supporting indentation are configured to provide a periphery of a single combined passageway extending through the panel when the first supporting means is aligned adjacent the second supporting means.”

In like manner, dependent claim 27 recites, “a second core having ... a second core beveled area forming one corner as a second core beveled corner[] and a second film envelope ... with a second film beveled region....”

Furthermore, dependent claim 28 recites, “a third core having ... a third core beveled area[,] a third film envelope ... with a third film beveled region[,] a fourth core having ... a fourth core beveled area[,] and a fourth film envelope ... with a fourth film beveled region..., wherein the first, second, third and fourth core beveled corners are configured to provide a periphery of a single combined passageway....”

Olson fails to disclose a film envelope or enclosing means having an indentation or beveled region on its perimeter. Likewise, Applicant’s acknowledged state of the art fails to

disclose the same. Thus, Olson in combination with Applicant's acknowledged state of the art do not teach all of Applicant's claim limitations, as required to establish a prima facie case of obviousness, and therefore do not teach or suggest every aspect of Applicant's claims.

Accordingly, in addition to the previously stated reasons, at least for this reason Applicant respectfully requests that the rejections under Section 103 as being unpatentable over Olson be removed with respect to claims 24-30.

Finally, with respect to claims 31-32, Olson does not teach or suggest a combination recited by Applicant's claims. For example, Applicant's independent claim 31 and its dependent claim 32 recite a "vacuum insulated panel, comprising: first supporting means having ... a first supporting beveled area forming one corner as a first supporting beveled corner, wherein the first supporting beveled area along with a non-attached adjacent supporting means is configured to create a passageway; and first means for enclosing the first supporting means, the first means for enclosing having a first enclosing perimeter including a first enclosing beveled region corresponding to the first supporting beveled corner."

Further to the above discussion, Olson does not suggest a beveled area on the perimeter of the panel. Nowhere does Olson suggest that the localized shape of the panel perimeter be varied to form a beveled corner. Likewise, Olson fails to disclose a panel with a beveled area configured to create a passageway along with a non-attached adjacent panel. Olson further fails to disclose enclosing means having a beveled region on its perimeter that corresponds to a beveled corner of a single enclosed supporting means.

Yet again, Applicant's claimed invention has the advantage that a vacuum insulation panel can be assembled, for example, around a fixture that does not permit the installation of a

panel disclosed in Olson. Thus, Olson does not teach or suggest every aspect of Applicant's independent claim 31 and its dependent claim 32, because Olson does not include each and every element, as set forth in Applicant's claims. Accordingly, at least for these reasons, Applicant respectfully requests that the rejections under Section 103 as being unpatentable over Olson be removed with respect to claims 31 and 32.

Additionally, dependent claim 32 recites "non-attached second supporting means adjacent to the first supporting means ... having ... a second supporting beveled corner; and second means for enclosing ... having ... a second enclosing beveled region...", wherein the first supporting beveled corner and the second supporting beveled corner are configured to provide a periphery of the passageway.

Olson fails to disclose enclosing means having a beveled region on its perimeter. Likewise, Applicant's acknowledged state of the art fails to disclose the same. Thus, Olson in combination with Applicant's acknowledged state of the art do not teach all of Applicant's claim limitations, as required to establish a prima facie case of obviousness, and therefore do not teach or suggest every aspect of Applicant's claim 32. Accordingly, in addition to the previously stated reasons, at least for this reason Applicant respectfully requests that the rejections under Section 103 as being unpatentable over Olson be removed with respect to claim 32.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that all of the pending claims at issue are allowable. Accordingly, reconsideration and withdrawal of the outstanding rejections are respectfully requested.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87334.5840.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Dana L. Christensen", with the word "for" written below it.

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